

86<sup>th</sup> Legislative Session – 2011

Committee: House State Affairs

Monday, February 07, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Lust, Chair  
P Cronin, Vice-Chair  
P Rausch  
P Gosch  
P Abdallah  
P Moser  
P Hoffman  
P Turbiville  
P Hunhoff (Bernie)  
P Gibson  
P Fargen  
P Blake  
P Wick

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lust, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2011.

Moved by: Gibson  
Second by: Turbiville  
Action: Prevailed by voice vote.

HB 1094: revise certain provisions concerning the filing of campaign finance disclosure statements.

Proponents: Representative Scott Munsterman  
Aaron Lorenzen, Secretary of State

MOTION: AMEND HB 1094

1094fa

On page 2 of the printed bill, delete line 12, and insert "(3) A legislative or county candidate campaign committee without opposition in a primary election, prior to".

On page 2, remove the overstrikes from lines 13 and 14.

On page 2, line 16, delete "~~(5)~~(4)" and insert "(5)".

On page 2, line 18, delete "~~(6)~~(5)" and insert "(6)".

Moved by: Rausch  
Second by: Gosch  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1094 AS AMENDED

Moved by: Turbiville  
Second by: Gosch  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

HB 1108: revise certain provisions with regard to the rights of industrial and construction equipment dealers.

Proponents: Representative Gene Abdallah  
Lorin Pankratz: Diesel Machinery, Inc.; Ditch Witch of SD; Sheehan Machinery  
And Sales; and Bierschbach Equip & Supply Co. Inc  
Dan Healy, Diesel Machinery, Inc.  
Pat Healy, Diesel, Machinery, Inc.  
Myron Rau, SD Auto Dealer's Association  
Erik Matzen, Sheehan Machinery, Sioux Falls

Opponents: Jim Roberts, Butler Machinery Co.  
Rick Mallo, Titan Machinery  
Brett Koenecke, Assoc. of Equipment Manufacturers (Handouts 1 and 2)  
David Owen, SD Chamber of Commerce & Industry  
Kitty Kinsman, Caterpillar, Inc. (Handouts 3 and 4)

MOTION: DO PASS HB 1108

Moved by: Hunhoff (Bernie)

Second by: Wick

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Gibson, Fargen, Blake, Hunhoff (Bernie)

HB 1148: revise the minimum wage law for certain seasonal employees.

Proponents: Representative Mike Verchio  
Shawn Lyons, SD Retailers Association  
James Marsh, Department of Labor

MOTION: AMEND HB 1148

1148oa

On page 2, after line 20 of the printed bill, insert:

" Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Hunhoff (Bernie)

Second by: Turbiville

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1148 AS AMENDED

Moved by: Hoffman

Second by: Moser

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

MOTION: AMEND TITLE OF HB 1148

1148ota

On page 1, line 2, of the printed bill, after "employees" insert "and to declare an emergency".

Moved by: Rausch  
Second by: Gosch  
Action: Prevailed by voice vote.

HB 1162: authorize the secretary of state to allow a person in charge of election to use the state system.

Proponents: Representative Stace Nelson  
Aaron Lorenzen, Secretary of State

MOTION: DO PASS HB 1162

Moved by: Wick  
Second by: Abdallah  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff  
(Bernie), Gibson, Fargen, Blake

MOTION: PLACE HB 1162 ON CONSENT CALENDAR

Moved by: Cronin  
Second by: Rausch  
Action: Prevailed by voice vote.

HB 1177: revise certain provisions regarding the use of eminent domain.

Presented by: Representative Mike Verchio

MOTION: TO TABLE HB 1177

Moved by: Cronin  
Second by: Fargen  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Turbiville, Hunhoff  
(Bernie), Gibson, Fargen, Blake

HB 1166: restrict, under certain circumstances, the transfer of certain land parcels by the federal government.

Proponents: Representative Lora Hubbel  
Opponents: Edward Raventon, Sierra Club  
Chris Hesla, SD Wildlife Federation  
Paul Lepisto, self, Pierre  
Angela Ehlers, self, Presho

MOTION: DEFER HB 1166 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Turbiville  
Second by: Gibson  
Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

Voting No: Moser

HB 1222: temporarily increase the state sales and use tax to fund education and other budget needs and to declare an emergency.

Proponents: Representative Thomas Brunner  
Sandra Waltman, SD Education Association  
John Pedersen, School Administrator of South Dakota  
Charlie Flowers, SD Coalition of Schools  
Bill Engberg, Associated School Boards of SD  
Dianna Miller, Large School Group  
Opponents: Jim Terwilliger, Bureau of Finance and Management  
Zach Lautenschlager, SD Tea Party Alliance  
Rip Ryness, SD Campaign for Liberty

MOTION: DEFER HB 1222 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hoffman  
Second by: Gosch  
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Abdallah, Moser, Hoffman, Fargen, Blake

Voting No: Turbiville, Hunhoff (Bernie), Gibson

HB 1173: administer, conduct, and provide for fair elections.

Proponents: Representative Burt Tulson  
Jason Gant, Secretary of State

MOTION: AMEND HB 1173

1173fa

On the printed bill, delete everything after the enacting clause and insert:

"

Section 1. If any political subdivision of the state sets a date and time for conducting a public election, within fifteen days the person in charge of an election shall notify the secretary of state."

Moved by: Gosch  
Second by: Hoffman  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1173 AS AMENDED

Moved by: Gosch  
Second by: Cronin  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Lust, Cronin, Rausch, Gosch, Wick, Moser, Hoffman, Turbiville, Hunhoff (Bernie), Gibson, Fargen, Blake

Excused: Abdallah

MOTION: AMEND TITLE OF HB 1173

1173ftb

On page 1, line 1, of the printed, delete everything after "Act to" and insert "require the person in charge of local elections to notify the secretary of state when the dates of elections have been set."

Moved by: Gosch  
Second by: Gibson  
Action: Prevailed by voice vote.

HJR 1003: The Chair deferred HJR 1003 until Wednesday, February 9.

MOTION: ADJOURN

Moved by: Rausch  
Second by: Gosch  
Action: Prevailed by voice vote.

Grace Curtis  
Committee Secretary

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David Lust, Chair